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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 Justin Lynn Victory,

5 Plaintiff

6 v.

7 Henderson NA P.D., et al.,

8 Defendants

Case No.: 2:23-cv-02086-CDS-NJK

Order Adopting Magistrate Judge's  
Report and Recommendation

[ECF No. 20]

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10 Plaintiff Justin Victory brings this lawsuit against the Henderson Police Department,  
11 two John Doe Henderson police officers, the Las Vegas Metropolitan Police Department  
12 (LVMPD), police officer C. LaRose, and Bank of America. *See generally* Compl., ECF No. 1-1.  
13 Because Victory applied to proceed *in forma pauperis*, Magistrate Judge Nancy Koppe reviewed  
14 the complaint and concluded that Victory had alleged facts sufficient to demonstrate the  
15 Henderson police officers had used excessive force against him. Order, ECF No. 17.<sup>1</sup> Judge Koppe  
16 then reviewed the claims against the Henderson Police Department and found that Victory had  
17 failed to sufficiently state a claim against it but granted him leave to amend. Order, ECF No. 19.  
18 On April 24, 2024, Judge Koppe issued a report and recommendation (R&R) addressing the  
19 allegations against Bank of America, LVMPD, and officer LaRose. R&R, ECF No. 20. She  
20 recommends that I dismiss these defendants from this case without prejudice because the  
21 parties have been inappropriately joined. *Id.*

22 Victory had until May 8, 2024 to file any objections to the R&R. 28 U.S.C. § 636(b)(1);  
23 LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within  
24 fourteen days). To date, no objections have been filed and the deadline to do so has passed. The  
25 Ninth Circuit has recognized that a district court is not required to review a magistrate judge's

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<sup>1</sup> Judge Koppe separately addressed the claims against Bank of America, LaRose, and the Henderson Police Department. *Id.* at n.1.

1 R&R where no objections have been filed. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.  
2 2003). While review is not required because Victory does not object to the R&R, I nonetheless  
3 conduct one here and agree with Judge Koppe's finding that the parties are inappropriately  
4 joined and that dismissal without prejudice is the appropriate solution.

5 Under Rule 20 of the Federal Rules of Civil Procedure, multiple defendants may be  
6 joined in a single suit if (1) the claims against each defendant arise out of the same transaction or  
7 occurrence, and (2) any question of fact or law is common to all parties. Fed. R. Civ. P. 20(a).  
8 Courts have broad discretion in applying Rule 20. *Armstead v. City of Los Angeles*, 66 F. Supp. 3d  
9 1254, 1262 (C.D. Cal. 2014). "Where parties have been inappropriately joined, it is accepted  
10 practice under Rule 21 to dismiss all defendants except for the first named in the complaint; this  
11 operates as a dismissal of plaintiffs' claims against other defendants without prejudice." *Id.* at  
12 1263.

13 Victory's complaint effectively alleges two separate, distinct incidents. Victory alleges he  
14 was subjected to excessive force by Henderson police officers on December 31, 2022. ECF No. 1-1  
15 at 3. He also alleges that Bank of America improperly reported him to police and that an LVMPD  
16 officer (C. LaRose) then allegedly used excessive force on August 2, 2023. *Id.* at 2, 4–5. The claim  
17 arising out of the alleged 2022 incident (involving Henderson police officers) appears unrelated  
18 to the claims arising out of the alleged 2023 incident (involving Bank of America and an LVMPD  
19 police officer). While a question of law arguably pervades both incidents, excessive force is a  
20 heavily fact-intensive analysis, and the underlying facts that will inform both analyses here are  
21 distinct. Separate incidents belong in separate lawsuits. *See George v. Smith*, 507 F.3d 605, 607 (7th  
22 Cir. 2007) ("Unrelated claims against different defendants belong in different suits."). For those  
23 reasons, I adopt Judge Koppe's recommendation to dismiss defendants LVMPD, C. LaRose, and  
24 Bank of America without prejudice.

Conclusion

IT IS THEREFORE ORDERED that the report and recommendation [ECF No. 20] is ADOPTED in its entirety. Defendants LVMPD, C. LaRose, and Bank of America are dismissed without prejudice.

Dated: May 14, 2024



Cristina D. Silva  
United States District Judge